

PROB. 12B
(7/93)

ORIGINAL
United States District Court
for the
DISTRICT OF HAWAII

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

FEB 12 2007

at 10 o'clock and 10 min. M
 SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
 with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: RICARDO SALVADOR ESQUEDA, Case No.: CR 00-00264HG-01
 aka "Dino"

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor
 Chief U.S. District Judge

Date of Original Sentence: 1/29/2001

Original Offense: Count 2: Possession With Intent to Distribute in Excess of
 50 Grams of Methamphetamine

Original Sentence: Ninety-seven (97) months imprisonment and five (5) years
 supervised release with the following special conditions: 1) That
 the defendant participate in a substance abuse program, which
 may include drug testing at the discretion and direction of the
 Probation Office; 2) That the defendant is prohibited from
 possessing any illegal or dangerous weapons; and 3) That the
 defendant provide the Probation Office access to any requested
 financial information.

Type of Supervision: Supervised Release Date Supervision Commenced: 12/5/2006

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

*Ricardo Salvador Esqueda, as a condition of supervision, shall submit to one
 drug test within 15 days of release from imprisonment and at least two periodic
 drug tests thereafter, not to exceed four tests per month, as directed by the
 probation officer, pursuant to 18 U.S.C. § 3583 (d).*

CAUSE

The subject's term of supervised release commenced in the Central District of California (CD/CA) on 12/5/2006. Our office recently received a letter from the subject's supervising probation officer in that district requesting the above-noted modification. Reportedly, the subject will soon complete an outpatient substance abuse treatment program. In light of U.S. vs. Stephens, the probation officer is requesting the authority to continue random drug testing outside of treatment in order to monitor the subject's compliance. The subject's substance abuse history includes daily use of marijuana prior to his arrest for the instant offense.

Our office supports this request and respectfully recommends the Court modify the mandatory drug testing condition (general condition) to authorize and allow random drug testing to continue for the duration of the subject's supervision term. Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

This report also serves to inform the Court that the CD/CA will accept a transfer of jurisdiction. This transfer will expedite any future matters that may require Court intervention. Should the Court concur with the request to transfer jurisdiction in this case, Your Honor's signature is requested on both originals of Probation Form 22, Transfer of Jurisdiction

Respectfully submitted by,



ALYSA K. MAKAHANALOA
U.S. Probation Officer Assistant

Approved by:



TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 2/8/2007

THE COURT ORDERS:

- The Modification of Conditions as Noted Above and Your Honor's signature is also requested on the two original attached Probation Form 22s for the transfer of jurisdiction.
- Other



HELEN GILLMOR
Chief U.S. District Judge

2.9.07
Date

U N I T E D S T A T E S D I S T R I C T C O U R T
District of Hawaii

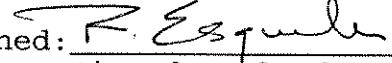
**Waiver of Hearing to Modify Conditions of
Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Ricardo Salvador Esqueda, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Witness: 
STEVEN FRYDMAN
U. S. Probation Officer

Signed: 
Ricardo Salvador Esqueda
Supervised Releasee

Date: 12/15/06